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*Attorneys for Defendants:  
JAMES B. PINTO REVOCABLE TRUST U/A  
DTD 12/1/03; and JAMES B. PINTO, individually  
and in his capacity as Grantor and Trustee for the  
James B. Pinto Revocable Trust*

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Appellant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No.08-01789 (SMB)
In Re:  BERNARD L MADOFF,  Debtor.	SIPA LIQUIDATION  (Substantially Consolidated)
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,	Adv. Pro. No. 10-04538 (SMB)

v.

JAMES B. PINTO REVOCABLE TRUST U/A  
DTD 12/1/03; and JAMES B. PINTO, individually  
and in his capacity as Grantor and Trustee for the  
James B. Pinto Revocable Trust,

Defendants.

**DECLARATION OF ROBERT M. MCCLAY IN SUPPORT OF DEFENDANTS'  
MOTION FOR AN ORDER PURSUANT TO RULE 2090-1(e) OF THE LOCAL  
BANKRUPTCY RULES TO REMOVE BRUCE S. SCHAEFFER AS COUNSEL TO  
DEFENDANTS**

I, Robert M. McClay declare as follows:

1. I am counsel at the law firm of McClay•Alton, P.L.L.P. and admitted Pro Hac Vice to this court. Pursuant to Rule 2090-1(e) of the Local Rules of the United States Bankruptcy Court for the Southern District of New York, I submit this declaration in support of the accompanying motion, notice of presentment and proposed order to remove Bruce S. Schaeffer ("Mr. Schaeffer") as counsel for defendants James B. Pinto Revocable Trust and James B. Pinto ("Defendants") in this adversary proceeding.
2. On June 26, 2009, Mr. Schaeffer submitted a representation letter to the Trustee regarding the above captioned adversary case.
3. On March 27, 2012, Mr. Schaeffer filed a Request to Withdraw as Attorney of Record (docket number 11 on the above captioned adversary case); however, an Order granting this Request is not on the docket.
4. On March 28, 2012 an Order was signed granting my Pro Hac Vice admission.
5. On March 30, 2012 an Order was signed granting Pro Hac Vice admission to Marvin C. Ingber.

6. All ongoing representation matters are being handled by Marvin C. Ingber and me.

7. Defendants have authorized this action to formally remove Mr. Schaeffer as attorney of record in this matter and to have him removed from all service lists.

8. On January 19, 2015 my legal assistant sent a letter to Mr. Schaeffer enclosing a stipulation Notice of Substitution of Counsel and Proposed Order for his signature. Mr. Schaeffer's two faxed responses to that letter and his reasons for not signing the stipulation are attached as Exhibit A & Exhibit B.<sup>1</sup>

9. Marvin C. Ingber and I have not had any direct communication with Mr. Schaeffer after the transfer of the case to us. To my knowledge, Defendants have had no contact with Mr. Schaeffer since the transfer of the case to us.

10. As the foregoing states, we have been unable to obtain Mr. Schaeffer's cooperation to remove himself as counsel.

11. It is not expected that any delay or prejudice will result to any party in this proceeding from this substitution of counsel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: St. Paul, Minnesota

April 22, 2015

By: /s/ Robert M. McClay  
Robert M. McClay

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<sup>1</sup> Mr. Schaeffer provided the two letters via email to Judge Bernstein's Chambers on February 3, 2015.

**BRUCE S. SCHAEFFER**

ATTORNEY AT LAW  
3 PARK AVENUE  
15<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016

TEL (212) 689-0400  
FAX (212) 696-9569

Date: January 21, 2015

To: Jennifer Fink

Fax: 651.290.2502

From: Susan Ogulnick

Re: Your letter of January 19, 2015

Number of pages to follow: 1

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**CONFIDENTIAL COMMUNICATION**

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**BRUCE S. SCHAEFFER**

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TEL (212) 688-0400

FAX (212) 688-9569

Bruce.Schaeffer@gmail.com

January 21, 2015

VIA FACSIMILE

Jennifer Fink

Legal Assistant to Robert M. McClay

McClay Alton, PLLP

951 Grand Avenue

St. Paul, MN 55105

Dear Ms. Fink:

Mr. Schaeffer will need a better and fuller explanation as to why he should cooperate with Mr. Ingber and his clients who have threatened and libeled him. Please provide immediately.

Yours truly,



Susan Ogulnick  
Office Manager

**BRUCE S. SCHAEFFER**

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15<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016

TEL (212) 689-0400  
FAX (212) 696-9569

Date: January 28, 2015

To: Jennifer Fink

Fax: 651.290.2502

From: Susan Ogulnick

Re: Your letter of January 19, 2015

Number of pages to follow: 1

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**SECOND NOTICE**

January 28, 2015

**VIA FACSIMILE**

Jennifer Fink

Legal Assistant to Robert M. McClay

McClay Alton, PLLP

951 Grand Avenue

St. Paul, MN 55105

Dear Ms. Fink:

We responded immediately to your request for action by January 30 by demanding a fuller explanation. You have failed to respond. Accordingly, we have no choice but to ignore your demands and Mr. Ingber's prior threats.

Yours truly,



Susan Ogulnick

Office Manager